

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

JUL 11 2006

CLERK, U.S. DISTRICT COURT

By

Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISIONWALTER G. SMITH d/b/a IMPACT IMAGES,
Plaintiff

vs.

SAM'S EAST, INC. d/b/a SAM'S CLUB, INC.,
J.C. PENNEY CORP., INC. TEAM FAN SHOP,
L.L.C., FOOTBALL FANATICS, INC., and
INTERNET MARKETING ASSOCIATES, INC.
d/b/a WEBGALAXE.COM,
Defendants§
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Civil Action No. 3:05-CV-1708-M

AGREED ORDER OF DISMISSAL

The Court has considered the Agreed Motion to Dismiss with Prejudice filed by the parties and is of the opinion that the Motion is well taken and should be granted.

IT IS THEREFORE ORDERED, ADJUGED AND DECREED that any and all claims brought by Walter G. Smith d/b/a Impact Images against Sam's East, Inc. d/b/a Sam's Club, Inc., J.C. Penney Corporation, Inc., Team Fan Shop, L.L.C., Football Fanatics, Inc., and Internet Marketing Associates, Inc. d/b/a Webgalaxe.com be and are hereby DISMISSED WITH PREJUDICE; it is further

ORDERD, ADJUDGED AND DECREED that each party shall be responsible for their own costs and attorneys' fees.

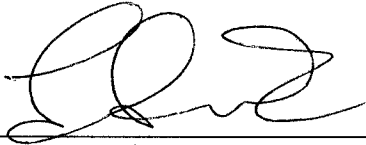
Signed this 11 day of July, 2006.
UNITED STATES DISTRICT JUDGE

ORIGINAL

AGREED AS TO FORM AND ENTRY:



James E. Davis
State Bar No. 05504200
Counsel for Plaintiff
Walter G. Smith d/b/a Impact Images



Levi G. McCathern, II
State Bar No. 00787990
Counsel for Defendants
Sam's East, Inc. d/b/a Sam's Club, Inc.,
J.C. Penney Corporation, Inc., Team Fan Shop, L.L.C.,
Football Fanatics, Inc., Internet Marketing Associates, Inc.
d/b/a Webgalaxe.com

CASE CLOSED

CASE NUMBER: 3:05-cv-1708-M

DATE: 07/11/06

TRIAL: YES **NO** X